

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, I yield to the gentleman from Texas (Mr. DELAY) for the purpose of informing us of the schedule, and it seems to me we did this just yesterday.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003. Next week we hope to have the conference report for H.R. 6, the Energy Policy Act for 2003 ready for consideration, as well as the Department of Defense authorization conference report. And in addition to that, there are four appropriations bills currently in conference that will be ready at any time.

Members should also be aware that we will be in session next Friday, October 31, and expect to have votes that day. Finally, I would like to make all of the Members aware that we hope the following week, the week of November 3, will be our last week of the session. We expect our first votes of that week to occur after 6:30 p.m. on Tuesday, and we anticipate having votes through Friday, November 7.

I thank the gentleman for yielding, and I will be happy to answer any questions the gentleman may have.

Mr. HOYER. Madam Speaker, I thank the gentleman for that information, and for his optimism. The gentleman indicated that Members should expect there will be votes in the House next Friday. That is Halloween. How certain is the gentleman that we are going to have votes on that day?

Mr. DELAY. I am pretty certain we are going to have votes on that day. If Members look at the conference reports and the fact that the present continuing resolution runs out on that day, if things do not go as we expect them, we could have some very important legislation on that day, although we understand that it is Halloween and

Members want to be home with their families and want to trick or treat. And hopefully even if we work on that day, we can let Members out in time to go trick or treating.

Mr. HOYER. Better trick or treating at home than here.

Mr. DELAY. I understand.

Mr. HOYER. Mr. Leader, November 7 is indicated as the target date for adjournment. So that Members can plan, how confident is leadership that we can meet that date? How strong is leadership's intention to meet that date?

Mr. DELAY. As the gentleman knows, any date is tentative at the end of any session; but we are working very hard. The Senate is working very hard. If we get the conference reports that I outlined in my opening remarks next week, then we really only have the Medicare conference report, the finishing of the appropriations process, and we hope that we can do all of that in the next 2 weeks.

Mr. HOYER. Madam Speaker, I ask the gentleman, would it be fair to conclude there will be no action on the child tax credit?

Mr. DELAY. I would hope there would be. I would hope that the Senate would realize that allowing the child tax credit to expire in just a couple of years is actually raising taxes, and would accept the House bill that makes them permanent.

Mr. HOYER. Mr. Leader, I think I am correct that every tax bill that we have passed over the last 3 years has been sunsetted. Therefore, pursuant to your rationale on child tax credit, in effect those bills would be raising taxes, sometimes in 2010, sometimes a little before, and sometimes a little after, 2006, 2007 some sunset. How does that rationale differ from the rationale being applied to the child tax credit?

Mr. DELAY. Madam Speaker, it is pretty simple. The House has voted for a bill which covers more families than the Senate bill, and we think that they ought to receive that child tax credit, and they ought to receive it on a permanent basis. The House has spoken, and the Senate does not seem to want to come together with the House and work out our differences.

Mr. HOYER. Unfortunately, it is our position that the children, those 12 million children, the 6.5 million families, the 200,000 military families who would otherwise be eligible, are the ones who are paying the price for the inability of the two Houses to come together when apparently both Houses believe that they ought to get the tax relief of which we speak, and but for the difference on making it permanent, would be getting.

I would again reiterate our hope in the next 2 weeks that we plan on being in session, that if we cannot resolve the differences between the two Houses, we would urge leadership to reconsider that and pass at least the 1- or 2-year extension while we try to reach agreement on the differences that exist between the two Houses.

Mr. Leader, on the FSC bill, it is our understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave?

Mr. DELAY. Madam Speaker, the Committee on Ways and Means is considering a markup in the very near future, and once the committee has completed its work, because this bill has been a work in progress and has taken longer than we thought it would take to mark it up in committee, we have not scheduled time for it. But obviously, it is a very important piece of legislation; and once the committee has completed its work, we will look for floor time to move it. But at this point we cannot give an exact prediction of whether it is next week or the following week.

Mr. HOYER. As the leader knows, this bill comes about by a WTO ruling which places in jeopardy the United States, and we believe that we have a solution which advantages U.S. manufacturers, and we are very hopeful this does move ahead so our country does not confront at the end of this year, as the European Union has suggested it might, take action if we have not corrected the deficiency which the WTO has found. I hope that we could move that bill before we leave here.

The leader mentioned several conference reports which will come up next week. Which are the most likely? Energy was mentioned. Energy was a possibility for this week. How confident is leadership that energy will come next week? This is a complicated bill, a very important bill; and I would ask you to comment, and I would ask you to facilitate the availability of this bill as soon as possible, and more than 24 hours before because it is a complicated bill. We need time to review it; and as the leader knows, we have not been included, from our perspective, in the conference proceedings so we do not know what is in this bill at this point in time.

First, how confident is the gentleman that the conference report will come next week; and, second, can we be assured that we will receive a copy of the report and the accompanying bill hopefully by Friday afternoon?

Mr. DELAY. Madam Speaker, as the gentleman knows, we do not have to be in session for us to get our work done in conference committees or other committees. People are going to be working the rest of this week to finalize what will be submitted to formal proceedings of the conference committee on the energy bill, the comprehensive energy bill. The gentleman is correct in that it is a very complicated bill. Obviously we want to make sure that Members have enough time to review it so they can vote with some sort of understanding of what is in the bill. Obviously, I cannot predict when the final proceedings on the energy bill will be, but we will get to the

Members as soon as we have the paperwork so they can look at the bill and be informed as to how to vote on it.

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Mr. HOYER. Reclaiming my time, we would hope that would give Members no less than 48 hours to review the bill, have the staffs review it, so we know what is in it. Because, as I said, we have not had the opportunity to be included in the conference.

On the Medicare prescription drug, the gentleman mentioned the Medicare bill in response to my question. Can he tell me the status of the Medicare conference, and can he tell me whether or not he expects that bill to be on the floor prior to the November 7 target date for adjournment?

Mr. DELAY. A lot of people are working very hard to try to get that very complicated piece of legislation put together. The chairman of the conference continues to work with the various parties interested in reaching a compromise by the end of this session.

There have been several bipartisan, informal meetings since last week. I expect that there will be a few more before the end of this week. Hopefully, these meetings will produce a draft product that all the members of the conference can review at the next formal conference meeting. I would anticipate that that would start happening, probably next week or so.

We really think it is important to improve and strengthen Medicare and provide the kind of health care that seniors need before we adjourn in this session. A lot of people are working very hard to accomplish that.

Mr. HOYER. Reclaiming my time, Mr. Leader, I keep harping on this because I think it is important to make the point. Our folks are not included in whatever discussions are going on. As a result, we have no idea as to whether or not we think, in fact, Medicare is being strengthened or whether it is being weakened, whether prescription drugs are being made available to seniors, whether they are affordable, accessible, guaranteed, all of which we think is very important. We think this needs to be a voluntary program. I think we agree on that.

But as a result of not being included, we do not know, and we think it is not good for the process that whatever meetings are going on are not what we believe to be conferences of conferees because conferees are not being included. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL), specifically, have not been included, and they are chief conferees, as the gentleman knows. The gentleman from Texas is a conferee himself, as I understand. We would hope that if, in fact, they are going to bring this bill to the floor, and if, in fact, a real conference is to be scheduled that it be done soon and that all of the conferees be included to discuss the parameters of a bill which can pass both House and Senate and be sent to the President.

Of the appropriation bills the gentleman mentioned, does he know which ones are most likely to be on the floor next week?

Mr. DELAY. A lot of people are working, conferees are working and have been working very hard. I anticipate all four that are eligible in conference, right now, could very well come to the floor sometime next week when they are finished, the Labor-HHS bill, the Interior bill, the Energy and Water bill and the Military Construction bill. These are very close to being settled. At least that is what I am being informed. I think those four bills could very well be voted on by next week.

Mr. HOYER. Reclaiming my time, again on the Labor-Health bill, I am a conferee and I have not been either invited to nor have I attended any conferences on that bill. So if it is reported next week, I am not sure when the conferees are going to meet and consider it. But it is, again, indicative of the fact that on our side, we do not get notice of, or we are not being included in, conferences. That is not, we believe, the way the process ought to work.

Mr. DELAY. If the gentleman will yield, I just want to correct the gentleman, in that the gentleman has been invited to any formal conferences that have been held and I am sure that to finish the work of the conference, formal conferences will be held on these bills so that Members can look at them and make determinations as to whether they will support them or not. If the gentleman is not being invited to formal conferences, let me know, and I will make sure that he gets the invitation.

Mr. HOYER. Reclaiming my time, and I will notify the gentleman that I am not being noticed. My conclusion is different than his, however. My conclusion is that I would be invited if they were having them. I do not think they are having them, but I may be in error. Mr. Leader. If the gentleman will check on that and let us know whether or not, in his terms, a formal conference has been held or is scheduled to be held on the Labor-Health bill, it will be news to me. But I would appreciate that information, and I appreciate the gentleman's offer.

Madam Speaker, last week the gentleman and I had a discussion about these conferences. On the Labor-Health bill, we are very concerned about the Labor-Health bill's funding as the gentleman knows. In the No Child Left Behind, the President was very strong on the No Child Left Behind. We believe in that bill, that that is short about \$8 billion. Does the gentleman have any information as to whether or not such sums may be added to the Labor-Health bill to fully fund the No Child Left Behind Act?

Mr. DELAY. The gentleman knows that we have a strong disagreement as to whether the No Child Left Behind has been fully funded or not. From my perspective, it has been fully funded. I

know the gentleman, and I think every Democrat voted against the bill because they wanted more funding. We have that disagreement. As far as what the conference is ultimately going to have, I am not advised. I could not tell the gentleman today if there has been any agreement on whether we are going to give more money than fully funding the No Child Left Behind.

Mr. HOYER. Reclaiming my time, the last question, the gentleman will be happy to hear. The House voted by a pretty good number to instruct the conferees on the issue of overtime pay, a substantial number of votes from his side and most of the votes from our side, if not all, all but two. Can the leader tell me whether or not he believes that instruction is being implemented by the conference?

Mr. DELAY. As the gentleman knows, motions to instruct are not binding. Many times it is just an expression of how you feel that day. The House voted on that issue, put it in the bill, and it is in the House bill. It is a very controversial issue between the House and the Senate. It is one of the issues that the conference committee is struggling with. As far as I know, they have not come to any resolution on how to handle that issue as of yet.

Mr. HOYER. Reclaiming my time, Mr. Leader, I look forward to hearing from the gentleman as to where these conferences are occurring because I assure the gentleman that I will be enthusiastic about participating and raising this issue and other issues when we find out where that elusive conference is occurring.

I thank the leader for his information.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. MARKEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. MARKEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the